

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:2768
ANSWERED ON:12.12.2006
GUIDELINES TO STOP SEXUAL ABUSE
Gaikwad Shri Eknath Mahadeo;Mane Smt. Nivedita

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the working group set up by the Government on empowerment of women has recommended for the implementation of the "Vishaka guidelines" in schools for girls and teachers to stop sexual abuse;
- (b) if so, the details thereof; and
- (c) the steps taken by the Government to implement these guidelines and to stop the harassment to the girl child?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR WOMEN AND CHILD DEVELOPMENT (SHRIMATI RENUKA CHOWDHURY)

(a)&(b) No, Sir.

(c) The steps taken by the Government to implement the guidelines laid down by the Supreme Court in the Vishaka case to prevent sexual harassment at workplace are given in the statement annexed. Among various authorities, the Central Board of Secondary Education has also been requested to ensure compliance with the guidelines.

Statement in respect of reply to part (c) of Lok Sabha Unstarred Question No. 2768 for 12-12-2006 regarding Guidelines to Stop Sexual Abuse

Details of steps taken by the Government to implement the guidelines laid down by the Supreme Court and to create awareness about the issue of sexual harassment at workplace

The Government has requested all the Central Ministries/Departments, Chief Secretaries of all the State Governments/Union Territory Administrations, Universities/Institutions, Central Board of Secondary Education, All India Council of Technical Education to constitute complaints committees and to ensure that the guidelines laid down by the Supreme Court in the Vishaka case for prevention of sexual harassment at workplace are implemented.

The National Commission for Women (NCW) formulated a Code of Conduct for Workplace, putting down the Supreme Court's guidelines mentioned above in a simple manner. This has been circulated to State Commissions for Women, Non- Governmental Organisations, the apex bodies of the Corporate Sector, Public Sector Undertakings, Media, Ministries/Departments and other institutions.

The NCW has instituted a series of interactive meetings with Public Sector Undertakings/Banks/Universities/Educational Institutions/Hotels/Media etc. to assess the extent of implementation of the guidelines

Department of Public Enterprises issued circular in May, 1998 to all administrative Ministries/Departments concerned with Central Public Sector Establishments to direct the Chief Executives of CPSEs under their administrative control for adherence and compliance of the Supreme Court's guidelines on prevention of sexual harassment by making amendments in the CDA Rules of the CPSEs.

So far as implementation of the Supreme Court guidelines in regard to setting up of complaint committee in small establishments like shops and call centres are concerned, section 1(3) of the Industrial Employment (Standing Orders) Act, 1947 applies to every establishment wherein 100 and more workers are employed. However, appropriate Government may apply the provisions of the Act to any industrial establishment employing less than 100 persons. Since the State Governments are the appropriate Government in respect of commercial establishments like shops and call centers, necessary instructions have been issued by the Ministry of Labour and Employment during January, 2005 to all Labour Secretaries asking them to take suitable action to apply the provisions of the Industrial Employment (Standing Orders) Act, 1946 to small establishments like call centres and shops in the unorganised sector.

The Central Civil Services (Conduct) Rules, 1964 have been amended to include sexual harassment as a misconduct. The Central Civil Services (Control, Classification and Appeal) Rules, 1965 have been amended during July, 2004 to provide that the Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the inquiry authority appointed by the disciplinary authority and the Complaints Committee shall hold the inquiry as far as

practicable in accordance with the procedure laid down in these rules (i.e the procedure for holding inquiry into disciplinary proceedings for award of a major penalty).

Amendments have been made to the Industrial Employment (Standing Orders) Act, 1946 so that the sexual harassment of women at workplace in the private sector could constitute an offence for which a workman is liable for disciplinary action.

Media campaign has been undertaken by the Ministry of Women and Child Development to create awareness on various issues concerning women and children, including compliance with the Supreme Court's guidelines on the prevention of sexual harassment of women at workplace.